

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Redmon Design Company - US 17-92 Small Scale Land Use
Amendment from LDR to COM and Rezone from C-2 and R-1A to PUD.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: April Boswell *AB* **CONTACT:** Michael Rumer EXT. 7431

Agenda Date 12/06/06 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of a request for a Small Scale Land Use amendment from LDR (Low Density Residential) to COM (Commercial), and rezone from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development), for approximately 0.33 acres, located on the southeast corner of the intersection of US 17-92 and South Lake Wood Circle, and recommend approval of the attached Preliminary Master Plan and Development Order, based on staff findings (Redmon Design Co. LLC, applicant); or
2. **RECOMMEND DENIAL** a request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial), and rezone from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development), for approximately 0.33 acres, located on the southeast corner of the intersection of US 17-92 and South Lake Wood Circle, (Redmon Design Co. LLC); or
3. **CONTINUE** the item to a time and date certain.
District – 4 Commissioner Henley Michael Rumer, Senior Planner

BACKGROUND:

The applicant is requesting to amend the Future Land Use designation of a 0.33 ± acre parcel from LDR (Low Density Residential) to COM (Commercial), and a rezone from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development), located on the southeast corner of the intersection of US 17-92 and South

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No: Z2006-66

Lake Wood Circle. The applicant is also requesting Preliminary Master Plan approval for two-story office to house a full-service landscape architecture design firm. There will be garden areas to showcase landscape design and interior display areas for upscale garden accessories, fountains and outdoor furniture. The building's architecture and construction will consist of many applications in the principles of "Green" design, with the use of recycled building materials, green roof displays, stormwater storage/reuse systems and proper solar orientation and design for enabling reduction of energy consumption.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial), and rezone from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development), for approximately 0.33 acres, located on the southeast corner of the intersection of US 17-92 and South Lake Wood Circle, and approval of the attached Preliminary Master Plan and Development Order, based on staff findings.

Attachments:

Staff Report
Preliminary Master Plan
Location Map
Future Land Use and Zoning Map
Aerial Map
Approval Development Order
Small Scale Land Use Amendment Ordinance
Rezone Ordinances
Denial Development Order (applicable if the request is denied)

Redmon Design Company - US 17-92 Rezone from C-2 and R-1A to PUD and Small Scale Land Use Amendment from LDR to COM

APPLICANT	Redmon Design Co. LLC	
PROPERTY OWNER	Redmon Design Co. LLC	
REQUEST	Small Scale Land Use amendment from LDR (Low Density Residential) to COM (Commercial), and rezone from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development)	
PROPERTY SIZE	0.33 ± acres	
HEARING DATE (S)	P&Z: December 6, 2006	BCC: January 23, 2007
PARCEL ID	19-21-30-300-0610-0000 & 19-21-30-513-0A00-0280	
LOCATION	Located on the southeast corner of the intersection of US 17-92 and South Lake Wood Circle.	
FUTURE LAND USE	COM (Commercial) / LDR (Low Density Residential)	
ZONING	PUD (Planned Unit Development)	
FILE NUMBER	Z2006-66	
COMMISSION DISTRICT	#4 – Henley	

Proposed Development:

The applicant is proposing to construct a two-story (41.2') office building with 55-foot free standing walls as an architecture feature that will contain 2,521 square feet of office housing a full-service landscape architecture design firm. There will be garden areas to showcase landscape design and interior display areas for upscale garden accessories, fountains and outdoor furniture. The projects architecture and construction will consist of many applications in the principles of "Green" design, with the use of recycled building materials, green roof displays, stormwater storage/reuse systems and proper solar orientation and design for enabling reduction of energy consumption.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following are the minimum building setback regulations for the subject property:

- 20' side street setback from the north property line (abutting road/Commercial).
- 0' side setback from the south property line (abutting existing bank), 40' adjacent to residential zoning.
- 20' front setback from the west property line (abutting US 17-92).
- 40' from the eastern property line (abutting residential).

The applicant is requesting the following provisions (contained in the attached Development Order):

1. Allowing the height of the building to be 41.2' instead of 35', allowing 55' free standing walls as an architecture feature. The PUD zoning district, in Section 30.451 (d) allows the Board of County Commissioners to approve a building height above 35'.
2. Allowing the sidewalk requirement along South Lake Wood Circle to be waived.

Staff has reviewed the requested provisions and recommends approval of them based on the following findings:

1. The proposed project is classified as an Infill Development under the Vision 2020 Comprehensive Plan.
2. The US 17-92 Commercial Corridor is identified as a Target Area under Comprehensive Plan Policy ECM 4.1. The proposed project is consistent with Policy ECM 4.2, Promote Economic Developments in Target Areas Through Urban Infill and Redevelopment.
3. The proposed project is located within the US 17-92 Community Redevelopment Area and has applied for a CRA program grant that will fund items including increased landscaping above current Seminole County Land Development Code requirements.
4. On November 7, 2006 the Seminole County Board of County Commissioners approved the "US 17-92 Community Redevelopment Area Target Zone height Alternative Standards" ordinance. The subject parcel of the rezone is not located in any of the selected areas of the ordinance, but does present a consistent finding that successful redevelopment along US 17-92 can require height alternatives above thirty-five (35) feet.
5. The floor area ratio (FAR) will be less than .35 which is the permitted FAR of the existing commercial land use designation.
6. Sidewalks do not exist on South Lake Wood Circle.

PERMITTED USES

Permitted uses proposed in this PUD zoning classification are:

Insurance, real estate, architects, engineering, attorneys, and other professional business services.

The following uses shall be prohibited within the development:

Retail Sales and the outdoor storage of parts, supplies, or materials.

COMPATIBILITY WITH SURROUNDING PROPERTIES

To the east is a 60-foot access drive for an existing multi-family complex and single-family homes located in the R-1A (9,000 sq. ft. lot sizes) zoning district. To the north is South Lake Wood Circle and a vacant parcel zoned commercial. To the south is an existing bank. To the west is US 17-92.

The site is located within the US 17-92 Community Redevelopment Corridor. The subject is in one of the three "target areas" for economic development as identified in the Seminole County Economic Development Strategic Plan. The 17-92 Corridor

contains a mixture of commercial, office and residential uses. The proposed development will replace existing structures on the commercial site developed prior to 1946 and incorporate a vacant residential lot. The site is currently in the application process for receiving a US 17-92 CRA program grant that will fund items including increased landscaping above current Seminole County Land Development Code requirements.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map 12117C040E, with an effective date of April 17, 1995, the site appears to be outside the 100 year floodplain. The site is also outside the 100 year floodplain per preliminary DFIRMs.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time and is required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (C-2)	Existing Zoning R-1A	Proposed Development*	Net Impact
Water (GPD)	700	350	260	-790
Sewer (GPD)	535	300	260	-575
Traffic (ADT)	62	10	25	-47

* The proposed development is based on 2,600 square feet of office.

Utilities:

This site is in the City of Casselberry's water and sewer service area. The applicant is required to provide a letter from City of Casselberry stating that they approve the water and sewer utility design and have the capacity to serve the site. This is required prior to final engineering plan approval. The subject site is not in the ten year master plan for reclaimed water.

Transportation / Traffic:

The property proposes access onto US 17-92, which is classified as an Arterial. US 17-92 is currently operating at a level-of-service "E" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

School Impacts:

The proposed development will not generate any school impacts.

Public Safety:

The nearest response unit to the subject property is Station # 22, which is located at 7122 US 17-92. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 5 minutes. The County Level-Of-Service standard for response time is 5 minutes, per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin. Attenuation for the 25 year/24 hour storm event (pre-post rate) will be required. Additional retention may be required to satisfy aquifer recharge overlay criteria and outfall constraints.

Parks, Recreation and Open Space:

A minimum of 25% usable open space shall be provided per Section 30.451 (e). The amenities associated with the open space shall be determined at Final Master Plan.

Buffers and Sidewalks:

The subject property is adjacent to a residential zoning on the southwest side. A building setback of 50 feet with a 6-foot wall located within a 5-foot landscape buffer will be located along the south property line adjacent to the R-1A zoning.

A five-foot sidewalk exists along US 17-92.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

The subject property is located within the US 17-19 Community Redevelopment Area.

COMPREHENSIVE PLAN (VISION 2020):

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy DES 1.5:	Redevelopment Requirements
Policy ECM 4.1:	Target Areas
Policy ECM 4.2:	Promote Economic Developments in Target Areas through Urban Infill and Redevelopment
Policy ECM 8.5:	Incentives to Promote Enhanced Site Design
Policy ERG 5.5:	Energy Programs
Policy ERG 1.1:	Discourage Urban Sprawl and Promote Infill Development
Policy FLU 4.2:	Infill Development
Policy FLU 4.3:	Community Redevelopment Agency
Policy POT 4.5:	Potable Water Connection
Policy SAN 4.4:	Sanitary Sewer Connection
Policy PUB 2.1:	Public Safety Level-of-Service
Policy TRA 8.3:	Promote Infill Development

INTERGOVERNMENTAL NOTIFICATION:

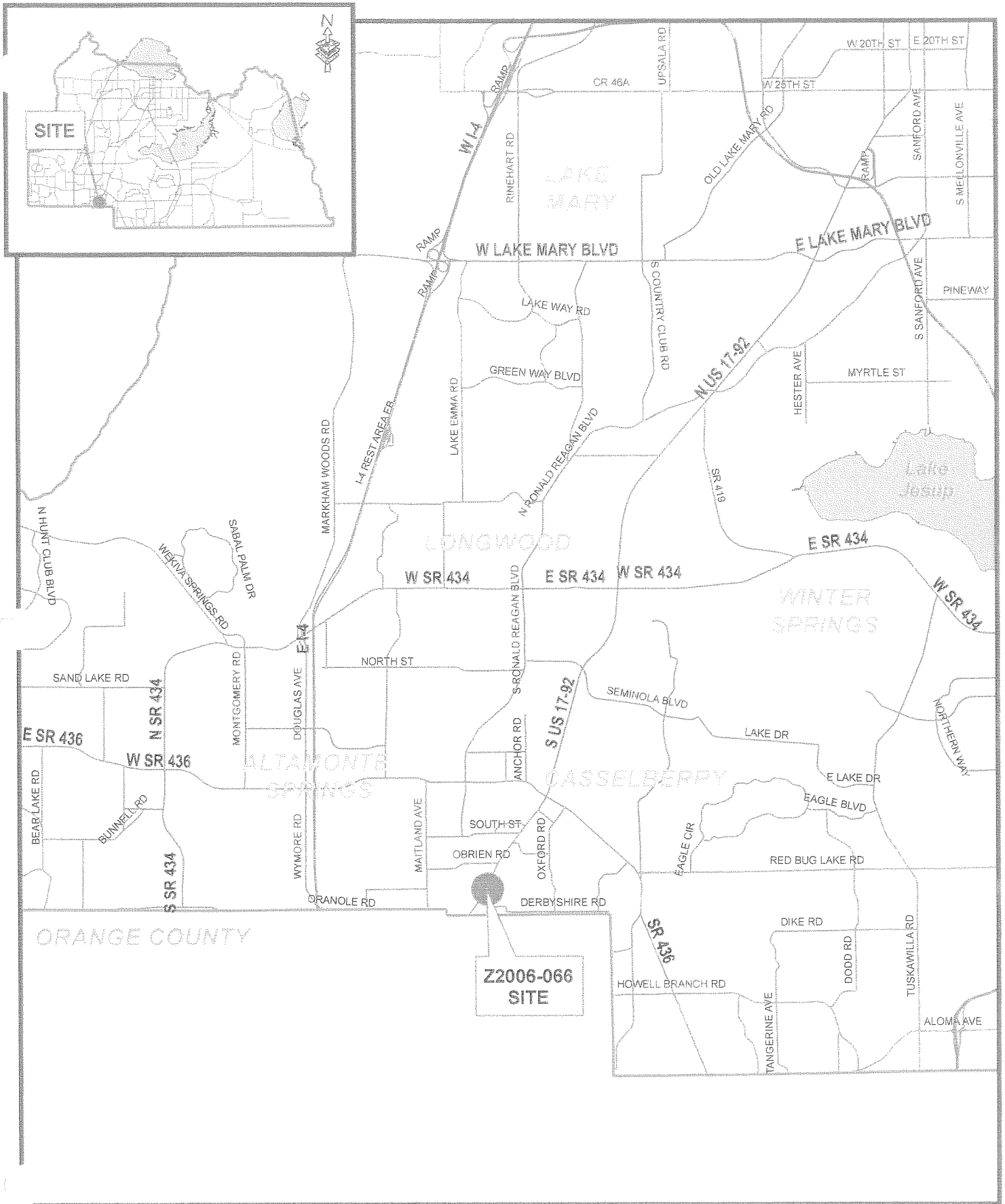
Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

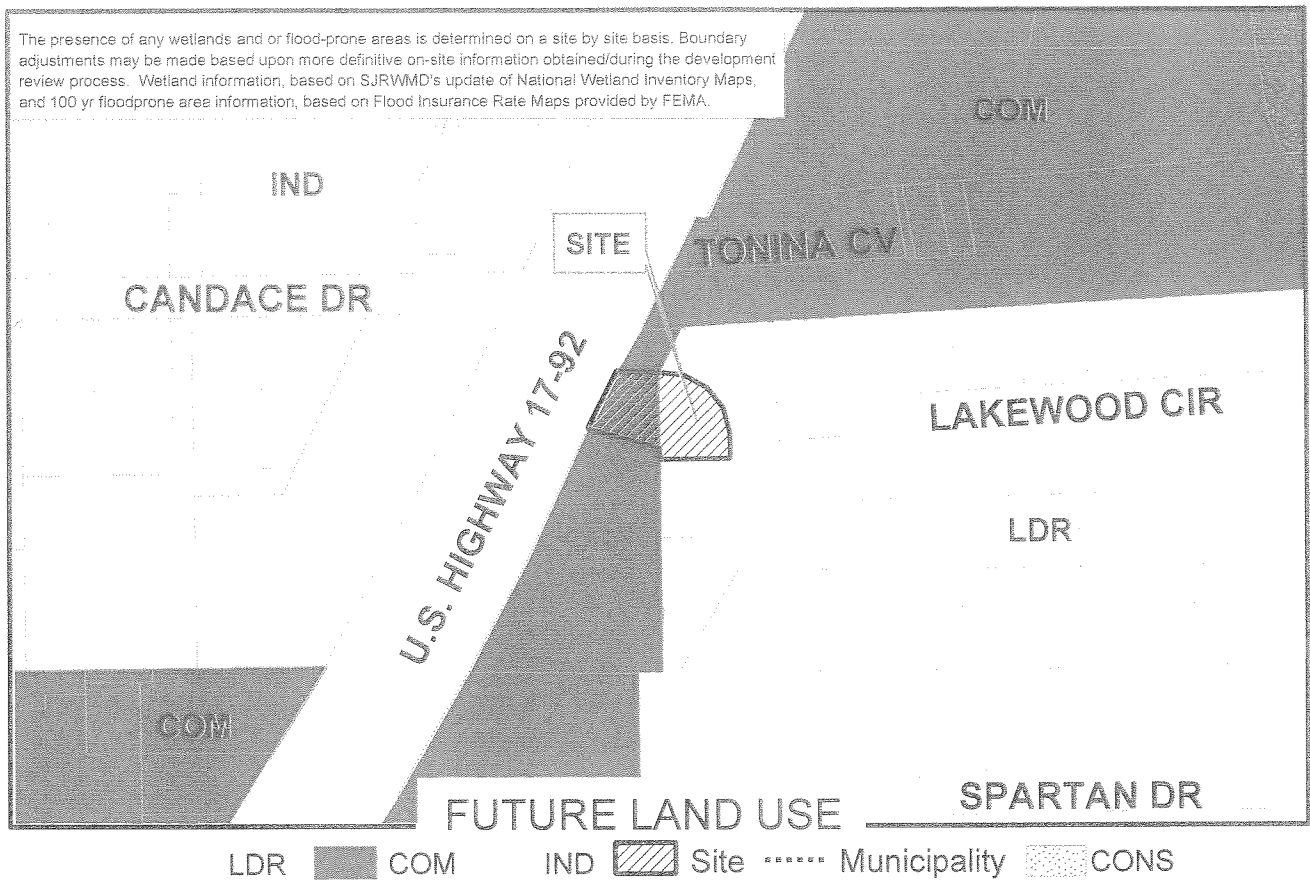
At this time, Staff has not received any letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial), and rezone from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development), for approximately .33 acres, located on the southeast corner of the intersection of US 17-92 and South Lake Wood Circle, and approval of the attached Preliminary Master Plan and Development Order, based on staff findings.



The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Applicant: W. Scott Redmon

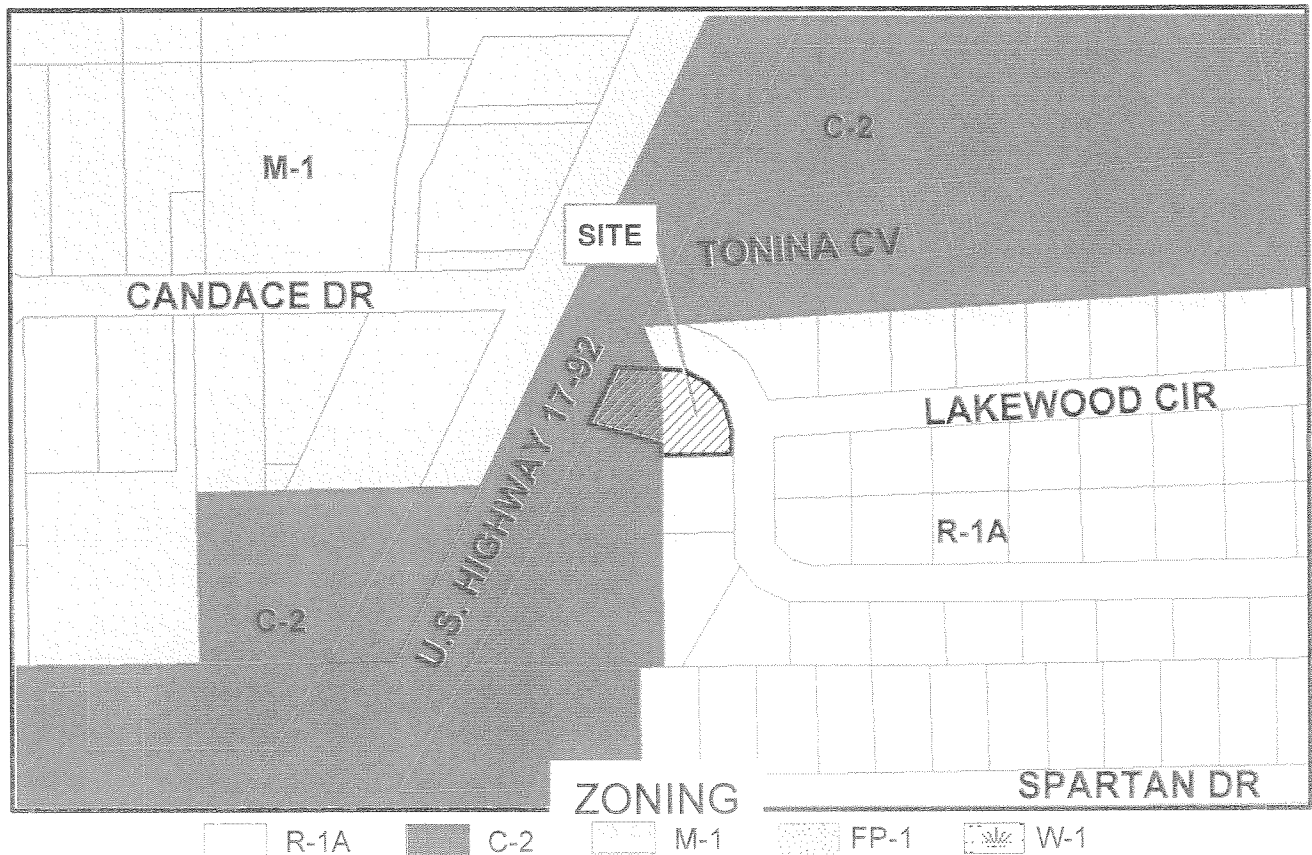
Physical STR: 19-21-30-513-0A00-0280, 19-21-30-300-0610-0000

Gross Acres: .33 +/- BCC District: 4

Existing Use: Vacant

Special Notes: None

	Amend/ Rezone#	From	To
FLU	---	---	---
Zoning	Z2006-066	PUD	PUD





Rezone No: Z2006-066
 From: PUD To: PUD
 [Outline] Parcel
 [Thick Outline] Subject Property



Winter 2006 Color Aerials

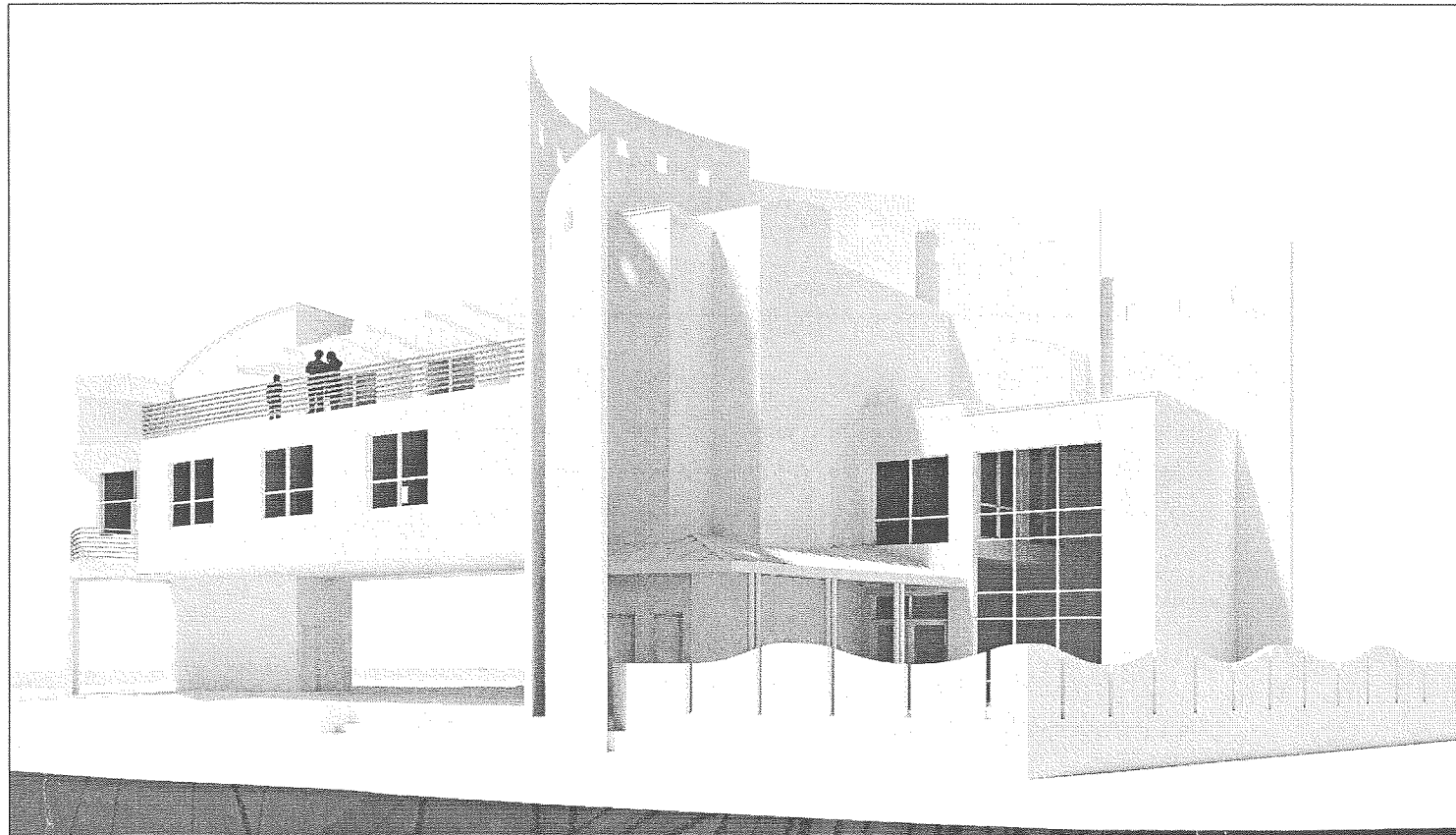
PUD Preliminary Master Plan

Redmon Design Company & Alfresco Living

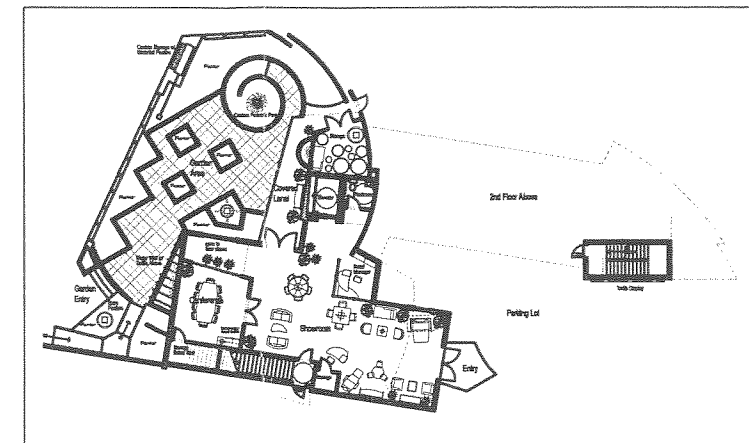
9315 South US Highway 17-92 Maitland, FL



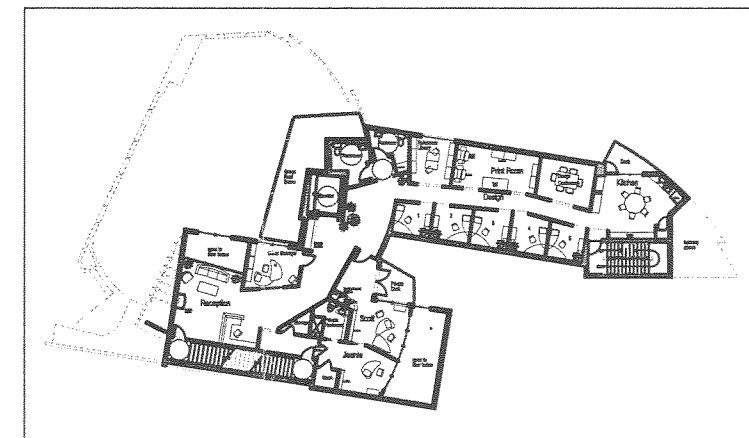
An Innovative "Green" Building with Sustainable Site Design



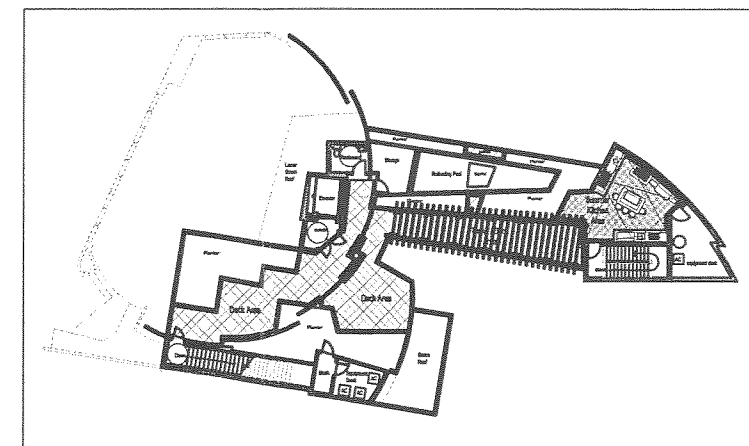
Perspective View from US Highway 17-92



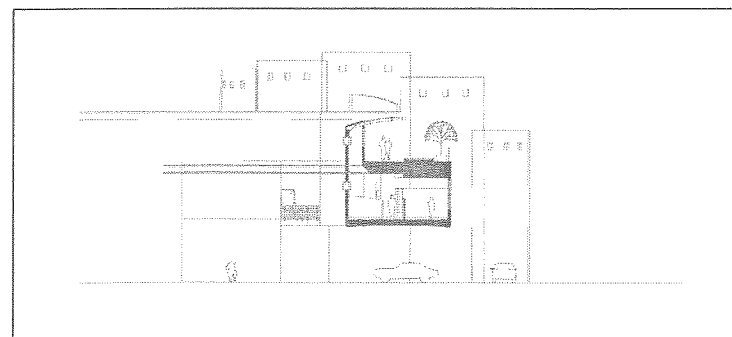
First Floor Plan



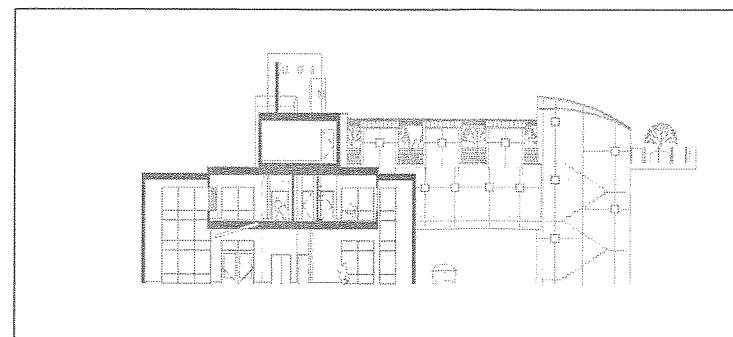
Second Floor Plan



Third Floor Plan



Building Section #1 (North)



Building Section #2 (South)

SEMINOLE COUNTY DEVELOPMENT ORDER

On January 23, 2007, Seminole County issued this Administrative Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

(The aforementioned legal description has been provided to Seminole County by the owner of the subject property.)

FINDINGS OF FACT

Property Owner(s): Redmon Partners, LLC

Project Name: Redmon Design Company - US 17-92 Rezone and Small Scale Land Use Amendment.

Requested Development Approval: Rezone from C-2 and R-1A to PUD and Small Scale Land Use Amendment from LDR to COM.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Michael Rumer
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. All development shall comply with the Preliminary Master Plan attached as Exhibit A.
 - B. The maximum building height shall be two stories, not to exceed 42', allowing 55' free standing walls as an architecture feature.
 - C. Minimum building setbacks from the property perimeter boundary shall be:
 1. 20' side street setback from the north property line (abutting road/Commercial).
 2. 0' side setback from the south property line (abutting existing bank), 40' adjacent to residential zoning.
 3. 20' front setback from the west property line (abutting US 17-92).
 4. 40' from the eastern property line (abutting residential).
 - D. Minimum buffers shall be:
 1. 5' on south property line abutting the existing single-family .
 2. 0' from the south property line (abutting existing bank).
 3. 0' front from the west property line (abutting US 17-92).
 4. 0' abutting South Lake Wood Circle.
 - E. 40' from the eastern property line (abutting residential)
 - F. Permitted uses shall include: Insurance, real estate, architects, engineering, attorneys, office show rooms and other professional business services.
 - G. The following uses shall be prohibited within the development:
Retail Sales and the Outdoor storage of parts, supplies, or materials.
 - H. A sidewalk is not required along South Lake Wood Circle.
 - I. A minimum of 25% usable open space shall be provided. The amenities associated with the open space shall be determined at Final Master Plan.
 - J. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon

said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____

Carlton D. Henley
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Scott Redmon, on behalf of Redmon Partners, LLC, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Scott Redmon

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Scott Redmon who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT APARCEL 1

BEGIN AT A POINT 30 FEET EAST OF THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN THENCE NORTH 295 FEET TO POINT OF BEGINNING, THENCE CONTINUE NORTH 95.44 FEET TO SOUTH LAKEWOOD CIRCLE RIGHT OF WAY, AS SHOWN ON THE PLAT OF LAKEWOOD SHORES, RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUN SOUTH 86 DEGREES, 50 MINUTES, 39 SECONDS WEST, 63.73 FEET, TO INTERSECT EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92; BEGIN AGAIN AT POINT OF BEGINNING RUN THENCE NORTH 81 DEGREES, 17 MINUTES, WEST 100.25 FEET TO INTERSECT THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92 THENCE RUN NORTHEASTERLY ALONG THE EASTERLY RIGHT OF WAY LINE TO POINT OF INTERSECTION WITH THE FIRST LINE (NORTH LINE). ALL IN SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

PARCEL 2

LOT 28, BLOCK A, LAKEWOOD SHORES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (COM) ; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BOLD

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on December 06, 2006, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on January 23, 2007, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

BOLD

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND
USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Appendix "A"

- (b) The associated rezoning request was completed by means of Ordinance Number _____.
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or

as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective.

If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 23rd day of JANUARY, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley
Chairman

APPENDIX A

LOT 28, BLOCK A, LAKEWOOD SHORES ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF
SEMINOLE COUNTY, FLORIDA.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM R-1A (SINGLE-FAMILY DWELLING) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Redmon Design Company - US 17-92 Rezone & SSLUA".

(b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONING. The zoning classification assigned to the following described property is changed from the R-1A (Single-Family Dwelling) to the PUD (Planned Unit Development District) zoning classification.

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall take effect upon filing the Ordinance with the Department of State and recording Development Order #06-20500009 in the Public Records of Seminole County, Florida.

ENACTED this 23rd day of January 2007

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley, Chairman

EXHIBIT A
LEGAL DESCRIPTION

LOT 28, BLOCK A, LAKEWOOD SHORES ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF SEMINOLE
COUNTY, FLORIDA.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM C-2 (RETAIL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Redmon Design Company - US 17-92 Rezone & SSLUA".

(b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONING. The zoning classification assigned to the following described property is changed from the C-2 (Retail Commercial) to the PUD (Planned Unit Development District) zoning classification.

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this

Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall take effect upon filing the Ordinance with the Department of State and recording Development Order #06-20500009 in the Public Records of Seminole County, Florida.

ENACTED this 23rd day of January 2007

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley, Chairman

EXHIBIT A
LEGAL DESCRIPTION

BEGIN AT A POINT 30 FEET EAST OF THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN THENCE NORTH 295 FEET TO POINT OF BEGINNING, THENCE CONTINUE NORTH 95.44 FEET TO SOUTH LAKEWOOD CIRCLE RIGHT OF WAY, AS SHOWN ON THE PLAT OF LAKEWOOD SHORES, RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUN SOUTH 86 DEGREES, 50 MINUTES, 39 SECONDS WEST, 63.73 FEET, TO INTERSECT EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92; BEGIN AGAIN AT POINT OF BEGINNING RUN THENCE NORTH 81 DEGREES, 17 MINUTES, WEST 100.25 FEET TO INTERSECT THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92 THENCE RUN NORTHEASTERLY ALONG THE EASTERLY RIGHT OF WAY LINE TO POINT OF INTERSECTION WITH THE FIRST LINE (NORTH LINE). ALL IN SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 23, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s):

REDMON PARTNERS LLC
125 S SWOOPE AV #102
MAITLAND FL 32751

Project Name: Redmon Design Company - US 17-92 Rezone and Small Scale Land Use Amendment.

Requested Development Approval: The applicant is requesting a rezone from C-2 and R-1A to PUD and Small Scale Land Use Amendment from LDR to COM.

The Board of County Commissioners has determined that the requested Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and a rezoning from C-2 (Retail Commercial) and R-1A (Single-family Dwelling) to PUD (Planned Unit Development) and the associated Preliminary Master Plan is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Redmon Design Company - US 17-92 Rezone and Small Scale Land Use Amendment" and all evidence submitted at the public hearing on January 9, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezoning should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

EXHIBIT A

PARCEL 1

BEGIN AT A POINT 30 FEET EAST OF THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN THENCE NORTH 295 FEET TO POINT OF BEGINNING, THENCE CONTINUE NORTH 95.44 FEET TO SOUTH LAKEWOOD CIRCLE RIGHT OF WAY, AS SHOWN ON THE PLAT OF LAKEWOOD SHORES, RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUN SOUTH 86 DEGREES, 50 MINUTES, 39 SECONDS WEST, 63.73 FEET, TO INTERSECT EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92; BEGIN AGAIN AT POINT OF BEGINNING RUN THENCE NORTH 81 DEGREES, 17 MINUTES, WEST 100.25 FEET TO INTERSECT THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92 THENCE RUN NORTHEASTERLY ALONG THE EASTERLY RIGHT OF WAY LINE TO POINT OF INTERSECTION WITH THE FIRST LINE (NORTH LINE). ALL IN SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

PARCEL 2

LOT 28, BLOCK A, LAKEWOOD SHORES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 52, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

ITEM # B

To: Commissioner Henley-District 4
Michael Rumer, Senior Planner

From: Rosa K. Perry
137 S. Lakewood Circle
Maitland, Fl 32751

Re: 9315S US 17-92 Rezone and SSLUA
Redmon Design Co. LLC

I am out of town and unable to attend the public hearing on December 6, 2006.

I have concern over the changed use or rezone of the property mentioned above.

I have lived on Lakewood Circle since 1987. This is a very quiet and "private" subdivision.

It has been brought to my attention that there is a possible change to the access to the above mentioned property which faces 17-92, which is proposed to be off of our residential street. Putting business traffic on a residential street is not an acceptable solution for Redmon Design to have access to property that faces 17-92. I understand that a retail center will also be a part of this project which will mean that beside the regular weekday employee traffic we will be facing retail traffic which will probably extend through the weekend.

There is access towards the front of this property at this time. I propose that the access stay where it is, or as close to where it is to eliminate traffic into our residential area. This will certainly help to keep big trucks making deliveries from using the "loop" as a turn around. We are virtually a "hidden" location now. With any change to the entrance of this proposed property we will certainly become a public drive through. .

We are in a situation where our roads are not properly maintained now. I cannot imagine what the added heavy commercial traffic will cause to the condition of our street. Lakewood Circle is a very narrow street. All of us who live here are mindful of this. The curve at the beginning of the subdivision certainly is no place to burden with additional commercial and business traffic.

Rosa K. Perry